

2015 No. 324

PRISONS

**The Discontinuance of Legalised Police Cells (Scotland) Rules
2015**

<i>Made</i>	- - - -	<i>7th September 2015</i>
<i>Laid before the Scottish Parliament</i>		<i>9th September 2015</i>
<i>Coming into force</i>	- -	<i>8th October 2015</i>

The Scottish Ministers make the following Rules in exercise of the powers conferred by sections 14 and 39 of the Prisons (Scotland) Act 1989(a) and all other powers enabling them to do so.

In accordance with section 14(1) of that Act, the Scottish Police Authority have applied to the Scottish Ministers to have these Rules made.

Citation and commencement

1. These Rules may be cited as the Discontinuance of Legalised Police Cells (Scotland) Rules 2015 and will come into force on 8th October 2015.

Revocation: Dunoon

2. The Rule made by the Secretary of State under the Prisons (Scotland) Act 1877(b) dated 12th July 1882(c), which appointed police cells at Dunoon to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 14 days, is revoked.

Revocation: Oban

3. The Rule made by the Secretary for Scotland(d) under the Prisons (Scotland) Act 1877 dated 14th May 1888(e), which appointed police cells at Oban to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 14 days, is revoked.

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- (a) 1989 c.45. Section 14 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) (“the 1993 Act”), Schedule 5, paragraph 6(3); the Local Government (Scotland) Act 1994 (c.39), Schedule 13, paragraph 162(3) and Schedule 14, paragraph 1 and the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 7, paragraph 8 and schedule 8, paragraph 1. Section 39 was amended by the 1993 Act, sections 24 and 25, Schedule 5, paragraph 6(6)(b) and Schedule 7, paragraph 1; the Criminal Justice and Public Order Act 1994 (c.33), section 116(4); the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 75(4); and the Crime and Disorder Act 1998 (c.37), Schedule 8, paragraph 71 and Schedule 10, paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (b) 1877 c.53. This Act was largely repealed by the Prisons (Scotland) Act 1952 (c.61), Schedule 4.
- (c) S.R. & O. 1882. This Rule is no longer available in print. A copy can be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.
- (d) The powers and duties of the Secretary for Scotland were transferred to a Principal Secretary of State by virtue of section 1 of the Secretaries of State Act 1926 (c.18).
- (e) S.R. & O. 1888 p.182. This Rule is no longer available in print. A copy can be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.

Revocation: Lochmaddy

4. The Rule made by the Secretary for Scotland under the Prisons (Scotland) Act 1877 dated 27th April 1893(a), which appointed six police cells at Lochmaddy to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 14 days, is revoked.

Revocation: Thurso

5. The Rule made by the Secretary for Scotland under the Prisons (Scotland) Act 1877 dated 10th November 1893(b), which appointed police cells at Thurso to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 3 days, is revoked.

Revocation: Campbeltown

6. The Campbeltown Legalised Police Cells (Declaration and Revocation) Rules 2009(c) made under sections 14 and 39 of the Prisons (Scotland) Act 1989, which declared the police cells named 'Female 1' and 'Male 1' in the police office situated at Millknowe Road, Campbeltown to be legal prisons for the detention of prisoners, are revoked.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
7th September 2015

(a) S.R. & O. 1893 p.477. This Rule is no longer available in print. A copy can be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.
(b) S.R. & O. 1893 p.479. This Rule is no longer available in print. A copy can be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.
(c) S.S.I. 2009/380.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules provide for the discontinuance, of police cells in the possession of the Scottish Police Authority.

Rules 2 to 5 revoke rules made under the Prisons (Scotland) Act 1877 which declared police cells in Dunoon, Oban, Lochmaddy and Thurso to be legal prisons for the detention of prisoners. Rule 6 revokes the rule made under sections 14 and 39 of the Prisons (Scotland) Act 1989 which declared police cells in Campbeltown to be legal prisons for the detention of prisoners.

The revocations made in Rules 2 to 6 mean that the police cells described in those rules can no longer be used for the detention of prisoners before, during or after trial.

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